IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8015 OF 2005

Karbhari Ramchandra Shinde ..Petitioner.

Vs.

Maharashtra State Road Transport Corporation ..Respondent.

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Mr. N.M. Ganguli for the Petitioner.

CORAM: DR.D.Y.CHANDRACHUD, J.

13th April, 2006.

P.C. :

1. The complaint of unfair labour practice has been dismissed by the Labour Court by its impugned order. The findings of the Labour Court show that the Petitioner as a driver in the MSRTC, was involved in an accident. The Petitioner was served with a charge sheet and in the departmental enquiry, a punishment of a fine of Rs.500/- was imposed. The Petitioner was permanently incapacitated as a result of the injuries that were sustained and he was awarded workmen's compensation of Rs.1,56,300/- together with interest at the rate of 12% per annum. The Industrial Court is justified in holding that the Corporation could not be foisted with the obligation to employ the Petitioner once he was found negligent in

the performance of his duties and guilty of reckless driving as a result of which he had dashed on the rear side of a dumper which was ahead of his bus. The Petitioner was 57 years of age on 10th June, 1998 and on the date of the accident, 25th November, 1996 he had crossed the age of 55 years. There was no basis of providing compassionate employment to the Petitioner's wife since it did not fall within the applicable guidelines or the policies. No case for interference is made out. The Petition is dismissed.